

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 CORY LEE MOGG,

4 Plaintiff

Case No. 2:18-cv-02272-RFB-PAL

ORDER

5 v.

6 JAMES DZURENDA et al.,

7 Defendants  
8

9 **I. DISCUSSION**

10 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections  
11 (“NDOC”) who is being boarded at CoreCivic’s private prison in Eloy, Arizona, has  
12 submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application  
13 to proceed *in forma pauperis*. (ECF Nos. 1, 1-1).

14 Plaintiff’s application to proceed *in forma pauperis* is incomplete. Pursuant to 28  
15 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to  
16 proceed *in forma pauperis* and attach both an inmate account statement for the past six  
17 months and a properly executed financial certificate. Plaintiff has not submitted a properly  
18 executed financial certificate or an inmate account statement. (See ECF No. 1). As such,  
19 the *in forma pauperis* application is denied without prejudice. The Court will retain  
20 Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until the matter of the  
21 payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the  
22 deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the  
23 full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in*  
24 *forma pauperis* he must file a fully complete application to proceed *in forma pauperis*.

25 **II. CONCLUSION**

26 For the foregoing reasons, IT IS ORDERED that Plaintiff’s application to proceed  
27 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.  
28

1 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the  
2 approved form application to proceed *in forma pauperis* by a prisoner, as well as the  
3 document entitled information and instructions for filing an *in forma pauperis* application.

4 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,  
5 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on  
6 the correct form with complete financial attachments in compliance with 28 U.S.C. §  
7 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
8 fee and the \$50 administrative fee).

9 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
10 dismissal of this action may result.

11 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint  
12 (ECF No. 1-1), but shall not file it at this time.

13  
14 DATED THIS 4rd day of December 2018.

15  
16   
17 UNITED STATES MAGISTRATE JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28